

PATRICK L. FORTE, State Bar #80050
CORRINE BIELEJESKI, State Bar #244599
LAW OFFICES OF PATRICK L. FORTE
One Kaiser Plaza, #480
Oakland, CA 94612
Telephone: (510) 465-3328
Facsimile: (510) 763-8354

Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

No. 08-46010 LT

**EDWARD DASALLA ARDALES and
MARIA SOCORRO MERCADO-ARDALES,**

Chapter 13

Debtors.

**SECOND AMENDED
MOTION TO MODIFY CHAPTER 13 PLAN;
NOTICE TO CREDITORS OF
DEADLINE TO REQUEST A HEARING**

The above-named debtors apply to the court for an order to modify their Chapter 13 Plan as follows:

Commencing September, 2009, debtors will pay \$820.00 to the Trustee through December, 2009. Commencing January, 2010, debtors will pay \$830.00 to the Trustee. Debtors shall surrender their real property located at 921 Griffith Ln., Brentwood, California, to Countrywide/Bank of America and Contra Costa County. Any arrearages shall be forgiven. Unsecured, nonpriority creditors shall be paid on a pro-tanto basis.

The modification is sought on the following grounds: Debtors' income has decreased. Debtors are surrendering their real property.

NOTICE IS HEREBY GIVEN:

(I) That Local Rule 9014-1 of the United States Bankruptcy Court for the Northern District of California prescribes the procedures to be

Page 1 of 2

1 followed and that any objection to the requested relief, or a request for
2 hearing on the matter must be filed and served upon the undersigned
3 within twenty one (21) days of mailing of this notice;

4 (ii) That a request for hearing or objection must be accompanied
5 by any declarations or memoranda of law the party objecting or requesting
6 wishes to present in support of its position;

7 (iii) That if there is not a timely objection to the requested
8 relief or a request for hearing, the Court may enter an order granting
9 the relief by default; and

10 (iv) That the undersigned will give at least seven (7) days written
11 notice of hearing to the objecting or requesting party, and to any
12 trustee or committee appointed in the case, in the event an objection or
13 request for hearing is timely made.

14 Dated: January 25, 2010

/s/ Corrine Bielejeski

CORRINE BIELEJESKI

Attorney for Debtors